

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Public Services – Prohibition & Excise Department - CID, Cudapah District – Cr. No. 15/2003 U/s 324 r/w 34 IPC and Sec.3 (I) (X) 3 (2) (VII) of SCs / STs (POA) Act, 1989 of CID PS – Prosecution Sanction Orders against the Accused i.e, A-1 Shaik Karimulla, Excise SI, Rayachoti, A-2 N.Mallaiah @ Nallanna Excise PC, A-4 Gudunundal Ramanaiah Excise PC, Rayachoti and A-5 Gogati Bala Subbaiah, Excise PC, Rayachoti – Issued – Acquitted by the Hon'ble Addl. Dist. Judge, Kadapa (SC/ST Cases) in SC.No.58/2011 – Further action dropped – Orders – Issued.

REVENUE (VIG.V) DEPARTMENT

G.O.Rt.No. 1741

Dt.02.12.2013.

Read the following:-

- 1) From the Addl. Director General of Police, CID, A.P., Hyd., Lr.No.2725/C17/CID/2003, dt.4.02.2011 addressed to the Chief Secretary to Government, A.P., Hyderabad.
- 2) G.O.Ms.No.242, Revenue (Vig.V) Department, dt.29.3.2011.
- 3) Govt. Memo No.27174/Vig.V(1)/2007-8, dt.08.07.2013.
- 4) From the CPE, A.P., Hyd., Lr.No.6595/2004/CPE/H1, dt.21.06.2013.
- 5) Representation of Sk. Kareemulla, Prohibition & Excise Sub-Inspector (Retd.), dt.5.7.2013. along with the Judgment copy of Hon'ble Additional District Judge, Kadapa (SC/ST Cases) in SC.No.58/2011.
- 6) From the Additional DGP, CID, A.P., Hyd., C.No.2725/C-44/CID/PCR/2003, dt.09.10.2013.

ORDERS:-

In the reference 1st read above, the Additional Director General of Police, Crime Investigation Department, Hyderabad had requested the Government to issue sanction of prosecution to prosecute the A.Os. Viz., A-1 Shaik Karimulla, formerly Prohibition & Excise Sub-Inspector, Rayachoti (Retired), A-2 N. Mallaiah @ Mallanna Excise Constable, A-4 Gudunundla Ramanaiah, Excise PC, Rayachoti and A-5 Gogati Bala Subbaiah, Excise PC, Rayachoti in a Court of Law, so as to enable the CID to file charge sheet against them on the allegation that they have abused and beaten up Sri M. Siddi Naik, Pandikunta Thanda, Kadapa.

2. In the reference 2nd read above, after examining the above report Government have accorded sanction of prosecution to prosecute the above said Accused Officers as requested by the Additional Director General of Police, CID, Hyderabad.

3. In the reference 5th read above, Sri Shaik Kareemulla, Prohibition & Excise Sub- Inspector has reported that the Hon'ble Additional District Judge, Kadapa (SC/ST Cases) pronounced the judgment (on 01.03.2013) in SC.No.58/2011, acquitting the AOs under section 235 (1) Cr.P.C. Basing on this judgment, Sri Sk. Kareemulla, Prohibition & Excise Sub-Inspector (Retd.) has requested the Government to drop further action against him.

4. In the reference 6th read above, the Additional Director General of Police, A.P., Hyderabad has informed that the case in Cr.No. 15/2003 U/s 324 r/w 34 IPC and Sec. 3(I) (X) 3(2) (VII) of SC/STs (POA) Act, 1989 of CID PS was charged on 30.05.2007 vide PRC No. 37/2007 (dt. 10.08.2007) on the file of 1st ADMM Court, Kadapa dist. The AO-1 Sri Sk. Kareemulla, S/o Zainulladdin, AO-2 Nallagatla Mallaiah & Mallanna S/o Mallanna, AO-3 Gangrapu Bhaskar Reddy S/o thimma Reddy, AO-5 Gogathi Bala Subbaiah S/o Veeraiah and AO-6 K. Narasimha Raju S/o Rama Katama Raju, approached the Hon'ble High Court of A.P., Hyderabad by filing a petition U/s 482 Cr. PC praying to issue quash proceeding in this case. The Hon'ble A.P. High Court, Hyderabad vice Crl.P.No.7582/2008 Dt: 21.11.2008 ordered the learned First Addl. Dist. Munsif Magistrate, Kadapa, with direction not to commit PRC No. 37/2007 to the Court of Session until further orders. On receipt of sanction of prosecution orders vide G.O.Ms.No.242, Rev (vig.V) Dept, dt.29.03.2011 against accused AO-1 Sri Sk. Kareemulla, AO-2 Sri Nallagatla Mallaiah @ Mallaiah, AO-5 Gogathi Bala Subbaiah., the Investigating Officer of CID filed the counter affidavit to vacate the stay in High Court, A.P., Hyd and the quash petition was dismissed on 22.11.2011. The Hon'ble Addl. Dist. Judge, Kadapa (SC/ST cases) pronounced the judgment in SC.No.58/2011, that AO1 to AO6 are found not guilty for the offence under sections 3(1)(x) and (2) (vii) of SC &ST (POA) Act 1989 and 143, 323 and 325 IPC and they are acquitted under section 235 (1) Cr. PC.

(P.T.O)

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5. He has further informed that on the above judgment, the standing counsel cum Spl. P.P. CID has opined that in this case main witnesses who are material witnesses to speak about the offence proper did not support the case of prosecution. The LW1 who is the victim also did not support the case of prosecution. Hence this is not a fit case to prefer an appeal.

6. After careful examination of the matter, Government have decided to drop further action against Sri Shaik Kareemulla, formerly Prohibition & Excise Sub- Inspector (Retd.), as he was found not guilty for the offences & he was acquitted by the Additional District Judge, Kadapa (SC/ST Cases) in SC.No.58/2011. Accordingly, Government hereby order to drop further action against him.

7. The Commissioner of Prohibition & Excise, A.P., Hyderabad shall take necessary further action in the matter, accordingly. He is also, requested, to furnish his remarks on the regularization of suspension period of Sri Shaik Kareemulla, formerly Prohibition & Excise Sub-Inspector (Retd.), to Government for taking further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P. SINGH
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition & Excise,
A.P., Hyderabad.

Copy to :-

The Deputy Commissioner of Prohibition & Excise,
Kurnool Division.

The Additional Director General of Police, Crime Investigation Department,
A.P., Hyderabad.

The Home (Legal.II) Department.
Sf/Sc.

//FORWARDED :: BY ORDER//

SECTION OFFICER